BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2018-212-W

Colleen Walz, Chief of St. John's Fire District, Complainant/Petitioner v. Kiawah Island Utility, Incorporated, Defendant/Respondent

MOTION TO CONSOLIDATE AND SUSPEND FILING DEADLINES

Kiawah Island Utility, Inc. ("KIU" or "Company") moves to substantively consolidate the Complaint in the above captioned matter, and requests suspension of the schedule for prefiling testimony and other responsive pleadings until this motion is decided.

Complainant, Colleen Walz ("Walz") challenges a fire hydrant service charge approved by the Commission in KIU's last rate case ("Hydrant Charge"). Walz filed an identical complaint on June 25, 2018. The Complaint was dismissed without prejudice on August 24, 2018, to give the parties time to explore an amicable resolution.¹

Walz challenges a charge that was first approved by the Commission more than 30 years ago in 1984 and in six rate cases thereafter.² The Hydrant Charge is paid by the St. John's Fire District, which provides fire service to an area that includes KIU's service territory. Walz does not allege, nor did the Office of Regulatory Staff find in its investigation of her Complaint, that KIU is not charging a legally authorized charge. Instead, Walz requests the Hydrant Charge be

Order 2018-579, August 24, 2018.

Order 1984-587, Docket 1984-68-WS; Order 1990-1080, Docket 1990-49-WS; Order 1997-004, Docket 1996-168-WS; Order 2012-98, Docket 2011-317-WS; Order 2017-277(A); Docket 2016-222-WS.

paid by KIU's water service customers instead of to the St. John's Fire District. KIU moved to dismiss Walz's original complaint arguing, among other things, that it must be decided in the context of a general rate case.³ KIU has since brought a rate case and KIU submits Walz's complaint should be considered in the pending rate case docket⁴ rather than as an individual complaint.

The gravamen of Walz's Complaint is that KIU's customers, instead of the St. John's Fire Department, should bear the cost of providing hydrant service. This is an issue of rate design. Assuming for the sake of argument that Walz were to prevail, the lost revenue from the Hydrant Charges, which is significant, would have to be absorbed by other customers, and require an increase in their rates. This sort of redistribution can only be achieved in a rate case, not in the confines of a consumer complaint. The Commission has dismissed analogous complaints, explaining: "this [requested] change would result in increases in monthly bills to some customers and decreases in monthly bills for others, such a revision would affect all of [the company's] rate payers and could, therefore, only be addressed in a general rate making proceeding."

KIU submits the interests of judicial economy would be served by substantive consolidation of this Complaint with the pending rate case. KIU suggests the Commission treat Walz's Complaint as a petition to intervene in the rate case and would not oppose granting intervention. With intervention granted, Walz could be placed on the same schedule for prefiled testimony and participate in the hearing in the same manner as other intervenors.

See KIU Motion to Dismiss and Suspend Schedule, filed July 23, 2019.

See Application of Kiawah Island Utility, Incorporated for Adjustment of Rates and Charges and Modifications to Certain Terms and Conditions for the Provision of Water and Sewer Service, Docket No. 2018-257-WS.

Order 2010-111, Dockets 2009-39-W 2009-75-WS, 2009-101-W, 2009-102-W.

For the foregoing reasons, KIU respectfully requests the Commission grant the following relief:

- Suspend all deadlines for pleading and prefiling testimony in this docket until this
 motion is fully considered and ruled upon.
- Accept and grant Walz's Complaint as a Petition for Intervention in Docket No.
 2018-257-WS grating Walz the same right to participate in that docket as any other intervenor.
- 3. Close the above captioned Complaint docket upon granting consolidation and intervention.

Respectfully submitted,

s/ Charles L.A. Terreni

Date: December 21, 2018

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CERTIFICATE OF SERVICE

I, Carl E. Bell, hereby certify that I have, on this 21st day of December 2018, served the MOTION TO CONSOLIDATE AND SUSPEND FILING DEADLINES, upon the parties listed below by email to the following person(s) listed below:

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